

## REMARKS

Claims 7-12, 41, 42 and 44 are now pending in the application. Claims 1-6, 13-40 and 43 have been cancelled, without prejudice. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 102; McWILLIAMS

Claims 7-12, 41, 42 and 44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by McWilliams (U.S. Publication No. 2004/0233521). This rejection is respectfully traversed.

Each of Independent Claims 7 and 10 recite, in part: "an image-capturing means which is adapted to capture an image of a celestial object at a plurality of focal distances." (emphasis added) In contrast, the "vision device 30" of McWilliams cited in this rejection as corresponding to this feature has a fixed focal distance. Thus, it is not capable of capturing an image at a plurality of focal distances as recited in these independent claims.

Furthermore, this rejection cites paragraph [0023] as disclosing the ability to capture images at a plurality of focal lengths. Paragraph [0023], however, relates to tube 12, which is not an image-capturing means. These independent claims go on to recite, in part: "a celestial object identification means" which uses the captured image in the identification process. Although a user may view an image through tube 12, tube 12 does not capture any image for use by a celestial object identification means as recited in the claims.

If this rejection is relying on the last sentence of paragraph [0023] which states

that the tube 12 (with its focusing features) may incorporate other electrical components described in the application (i.e., vision device 30), this reliance is misplaced. Vision device 30 is already incorporated into tube 12. This incorporation is done in such a way that the focusing features of tube 12 are completely unrelated to vision device 30. In fact, it is difficult to understand how one skilled in the art could modify the tube 12 so that vision device 30 could take advantage of the focusing features of tube 12, being that the focusing features are located at the end of the tube, immediately before the eye-piece.

Moreover, each of independent claims 7 and 10 recite "an alignment process" based on "said celestial objects." "Said celestial objects" refers to the celestial objects "of which images have been captured at each of the focal distances." In contrast, the focal distance of the vision device 30 remains fixed during alignment process of McWilliams. Specifically, paragraph [0032] of McWilliams describes "the processor 24 preferably compares several measured angles with the central angles stored in the matrix of the database 22". However, nowhere in the description is there any disclosure or suggestion that "several measured angles" (made between detected bright stars) are obtained from images each of which is captured at a plurality of focal distances.

Since McWilliams discloses that "vision device 30" has a fixed focal distance as an embodiment of an image-capturing means, angles between bright stars used for alignment are obtained from a single image captured with a single focal distance. Thus, the "several measured angles" of McWilliams are not obtained from images captured at different focal distances. Furthermore, McWilliams does not disclose or suggest that there is any shortcoming whatsoever with using an image capturing device with a single focal distance. Accordingly, there is no motivation or suggestion to modify

the vision device of McWilliams to capture images at **a plurality of focal distances** as recited in the independent claims.

Paragraph [0045] of McWilliams discloses that steps 4d-4e ("compare signal" and "recognize star") are repeated until the processor 24 finds a unique solution in matching between the measured angles and angles stored in a database. However, paragraph [0045] does not disclose capturing images at different focal distances in each of the repeated cycle of the steps. To find the unique solution, it is completely satisfactory, according to McWilliams, that the vision device 30 capture any and all images at **a single focal distance**. Therefore, paragraph [0045] does not suggest using images of a celestial body captured at **a plurality of focal distances** as recited in the independent claims.

Paragraph [0046] of McWilliams discloses "The processor 24 may fine tune the drive mechanism 18 to substantially center the specified star within the tube's 12 field of view using the vision device 30, as depicted in step 5d. At this point, the user may view the specified star through the tube 12," since an introduction of a target star after the orientation of the telescope 10 is known. However, paragraph [0046] does not disclose using each of images captured at different focal distances during the introduction. During this introduction, the vision device 30 is used to introduce a target star within a field of view of the tube 12, in order that the user merely may view the specified star. Thus, it is completely satisfactory, according to McWilliams, that the vision device 30 capture any and all images at **a single focal distance**. Therefore, paragraph [0046] does not suggest using images of a celestial body captured at **a plurality of focal distances** during the introduction.

Accordingly, Applicants respectfully assert that McWilliams does not disclose or

suggest at least the features of independent Claims 7 and 10 discussed above. Since each of the remaining claims depends from one of these independent claims Applicants respectfully asserts that the dependent claims are likewise patentable for at least the reasons discussed above.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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